IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 30714 of 2004(F)

PETITIONER:

P. OMANA, `USHUS', (RETD.TEACHER
IN A.M.U.P SCHOOL, IRUMBLIYAM)
P.O. VALIYAKUNNU, VALANCHERRY-676 552.

BY ADV. SRI.P.CHANDRASEKHAR

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT OF KERALA, DEPARTMENT
OF GENERAL EDUCATION, THIRUVANANTHAPURAM.

2. THE ASSISTANT EDUCATIONAL OFFICER,
KUTTIPPURAM.

3. THE HEADMISTRESS, A.M.U..P. SCHOOL,
IRUMBLIYAM, MALAPPURAM DISTRICT.

4. THE SUB TREASURY OFFICER, VALANCHERRY.

BY ADV. SRI. K.V. MANOJ KUMAR, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE PHOTOCOPY OF THE G.O.(P) 615/(138)/97/FIN. DATED 28.06.1997.

EXT.P2: TRUE PHOTOCOPY OF THE REPRESENTATION DATED 02.06.2004 OF THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P3: TRUE PHOTOCOPY OF THE LETTER DATED 31.8.2004 OF THE 3RD RESPONDENT TO THE PETITIONER.

EXT.P4: TRUE PHOTOCOPY OF THE LETTER NO. C/7714/03 DATED 13.09.2004 FROM THE 2ND RESPONDENT TO THE PETITIONER.

/True Copy/

P.A to Judge.

KURIAN JOSEPH , J

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W.P.(C) NO. 30714 OF 2004

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Dated this the 11th day of July, 2007.

JUDGMENT

The surviving dispute is only with regard to an amount of Rs.7,429/-. The stand taken in the counter affidavit is that benefit of re-option will be available only from the date of exercising re-option. It is now settled law that an incumbent is entitled to have the benefit of re-option with effect from the date of effect of option as exercised by the incumbent. Therefore, the writ petition is disposed of directing the respondents to disburse the said withhold amount of Rs.7,429/- within a period of three months from the date of production of a copy of this judgment.

KURIAN JOSEPH, JUDGE.

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